IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 9454 of 2007(A)

PETITIONER:

MATHEW K.V., S/O.VARGHESE,
KIZHAVANCHIYIL, POONJAR P.O., KOTTAYAM DT.

BY ADV. SRI.LATHEESH SEBASTIAN
SRI. BABY THOMAS

RESPONDENTS:
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1. THE MEENACHIL CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD., PALA REPRESENTED BY ITS SECRETARY.

2. THE SPECIAL SALE OFFICER, THE MEENACHIL CO-OPERATIVE AGRICULTURAL AND RURAL DEVELOPMENT BANK LTD., PALA.

BY ADV. SRI.SUNIL CYRIAC,SC,MEENACHIL CO-OP.ARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**COPY OF THE DEMAND NOTICE DTD. 12-12-2006**
EXT.P2	**COPY OF THE RECEIPTS DTD. 30-06-06**
EXT.P3	**COPY OF THE TREATMENT CERTIFICATE OF THE PETITIONER'S SISTER**
EXT.P4	**COPY OF THE AUCTION SALE NOTICE DTD. 20-1-07**
EXT.P5	**COPY OF THE SALE ADVERTISEMENT IN MANGALAM DAILY**
EXT.P6	**COPY OF THE REPRESENTATION FOR ONE TIME SETTLEMENT.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.9454 of 2007

Dated this the 28th day of May, 2007

JUDGMENT

Petitioner borrowed money from the first respondent which he could not repay. Petitioner challenges Exts.P1, P4 and P6 to the extent it affect the petitioner and seeks a direction to the respondents 1 and 2 to grant one time settlement facility to the petitioner to remit the amounts due to them.

2. I heard learned counsel for the petitioner and the learned counsel for the bank.

3. Learned counsel for the bank submits that it is not open to the bank to extend the benefit of one time settlement. Learned counsel for the petitioner submits that petitioner may be permitted to pay off the entire amounts in easy installments.

The writ petition is disposed of permitting the petitioner to pay off the entire amounts remaining to be paid in ten equal

monthly installments, the first of which shall be payable on or before 30/06/2007. If any of the installments are not paid, it is open to the bank to enforce its right in accordance with law.

K.M.JOSEPH
JUDGE

sv.